

Serial No. 10/085,583
Docket No. H07-139239M/MAK

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REMARKS

Entry of this Amendment is proposed because it does not raise any new issues requiring further search, narrows the issues on appeal, and is believed to place the present application in condition for immediate allowance.

Applicant gratefully acknowledges that claims 20 and 21 are allowed and that claim 2 would be allowable if rewritten in independent form. However, as discussed in the telephonic interview, and for the reasons set forth below, Applicant respectfully submits that all of the claims are now in condition for immediate allowance.

As a preliminary matter, Applicant's representative would like to thank the Examiner for courtesies extended in the telephonic interview conducted on June 25, 2004, in which the rejections under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 102(b) were discussed. In accordance with the Examiner's request, Applicant has summarized the results of the interview in the Statement of Substance of Interview, set forth below.

In the interview, the Examiner agreed that the proposed amendments to claims 6, 7, and 15-18 should overcome the rejection under 35 U.S.C. § 112, second paragraph, and that such amendments should be entered since they should place the case in condition for allowance.

With respect to the rejection of claims 1, 3-5, 8-11, 22, and 23 under 35 U.S.C. §102(b), the Examiner agreed that Ito does not disclose or suggest all of the features of these claims, and therefore, does not anticipate the claims.

Accordingly, the Examiner agreed that the anticipation rejection of claims 1, 3-5, 8-11, 22, and 23 would be withdrawn.

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To summarize, claims 1-23 are all the claims presently pending in the application.

Claims 6-9 and 13-19 stand rejected upon informalities (e.g., 35 U.S.C. § 112, second paragraph).

Claims 1, 3-5, 8-11, 22, and 23 stand rejected on prior art grounds under 35 U.S.C. § 102(b) as being anticipated by Ito, et al. (U.S. Patent No. 5,786,594; hereinafter "Ito"), and claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito.

These rejections are respectfully traversed in the following discussion, which is incorporated in a Statement of Substance of Interview in compliance with M.P.E.P. § 713.04.

I. STATEMENT OF SUBSTANCE OF INTERVIEW

In the interview, the following was discussed:

As mentioned above, in the interview conducted on June 25, 2004, the Examiner agreed that Applicant's proposed amendments to claims 6, 7, and 15-18, as submitted herewith, should overcome the rejection under 35 U.S.C. § 112, second paragraph.

The Examiner also stated that the amendments should be entered since they should place the case in condition for allowance.

With respect to the rejection of claims 1, 3-5, 8-11, 22, and 23 under 35 U.S.C. §102(b) as being anticipated by Ito, the Examiner agreed that Ito does not disclose or suggest all of the features of these claims, and therefore, does not anticipate these claims.

Accordingly, the Examiner agreed that the anticipation rejection of claims 1, 3-5, 8-11, 22, and 23 would be withdrawn.

The individual rejections are discussed below.

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A. THE 35 U.S.C. §112, SECOND PARAGRAPH REJECTION

Claims 6-9 and 13-19 stand rejected under 35 U.S.C. §112, second paragraph.

Claims 6, 7, 9, and 15-18 have been amended to define more clearly the features of the present invention and to overcome the rejections under 35 U.S.C. § 112, second paragraph.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Particularly, as discussed and agreed upon in the interview, Applicant amends claims 6 and 7 herewith to define more clearly the features of the present invention.

That is, Applicant amends claims 6 and 7 to remove the "or a plurality-th row" language (as discussed in the interview), and also to clarify and define more clearly the language of the claims.

Applicant respectfully submits that a person of skill in the art clearly would know the metes and bounds of the claimed invention, as recited in amended claims 6 and 7, and therefore, that these claims are clear and definite.

Thus, the Examiner respectfully is requested to reconsider and withdraw the rejection of claims 6-9 and to permit claims 6-9 to pass to immediate allowance.

Applicant also amends claims 15-17 to define more clearly the features of the claimed invention.

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In the interview, the Examiner agreed that the amendments as submitted herewith (e.g., amending claim 15 to recite “a delay circuit including at least one of a delay circuit and an advancing circuit”, and amending claims 16 and 17 to recite “the delay circuit”) should overcome the rejection of claims 15-17 under 35 U.S.C. § 112, second paragraph.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 15-17 and permit claims 15-17 to pass to immediate allowance.

B. THE PRIOR ART REJECTIONS

Claims 1, 3-5, 8-11, 22, and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ito, and claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito.

In the interview, the Examiner agreed that there are elements of the claimed invention which are neither disclosed nor suggested by Ito.

For example, independent claim 1 recites, *inter alia*, a two-dimensional beam writing position detecting device, comprising:

an optical system for scanning on a photoconductor by laser beams emitted from a semiconductor laser to form an electrostatic latent image and arranging a plurality of the laser beams in two dimensions and slantingly scanning the plurality of laser beams for forming the electrostatic latent image on the photoconductor at a predetermined angle (θ); and

a detector for detecting the plurality of laser beams for determining a first writing position of the plurality of laser beams on the photoconductor,

wherein a longitudinal direction of a light beam receiving surface of the detecting device inclines at the substantially same angle (θ_1) as the slant scanning angle (θ) with respect to the

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perpendicular of a scanning direction of the plurality of laser beams.
(emphasis added).

The Office Action states that Ito discloses "*a detector (66) for detecting the laser beams, wherein a longitudinal direction of a light beam receiving surface (SL2) of the detecting device inclines at substantially the same angle as the slant scanning angle (see Figure 21) as claimed*" (see Office Action at page 3, numbered paragraph 4).

However, in the interview, Applicant respectfully noted that Ito does not disclose or suggest the values of the "angles" depicted in the drawings, or for that matter, that the drawings are drawn to scale (e.g., see M.P.E.P. § 2125, "proportions of features in a drawing are not evidence of actual proportions when drawings are not to scale").

In the interview, the Examiner agreed that Ito does not define the value of the angles depicted in the drawings and Ito does not state that the drawings are drawn to scale, and therefore, Ito cannot be relied upon as disclosing "wherein a longitudinal direction of a light beam receiving surface of the detecting device inclines at the substantially same angle (θ1) as the slant scanning angle (θ)", as recited in independent claim 1.

Thus, in the interview, the Examiner agreed that the rejection of claims 1, 3-5, 8-11, 22, and 23 under 35 U.S.C. § 102(b) based on Ito would be withdrawn.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 3-5, 8-11, 22, and 23 under 35 U.S.C. § 102(b) and permit these claims to pass to immediate allowance.

Applicant respectfully submits that claim 12 also is patentable over Ito at least by virtue of its dependency from independent claim 1, as well as for the additional features recited therein.

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Accordingly, the Examiner also is requested to permit claim 12 to pass to immediate allowance.

For the Examiner's convenience, Applicant also incorporates by reference the arguments submitted in the Amendment under 35 U.S.C. § 1.111, filed on March 8, 2004.

As an aside, Applicant also noted, in the interview, that the claimed "substantially same angle" is clear and definite since the Federal Circuit has held that one of ordinary skill in the art would know what was meant by "substantially equal" (i.e., substantially the same) (e.g., see Andrew Corp. v. Gabriel Electronics, 847 F.2d 819, (Fed. Cir. 1988); see also M.P.E.P. § 2173.05(b)(D)).

II. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-23, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

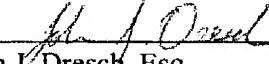
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: July 16, 2004

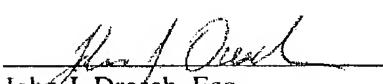

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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 the enclosed Amendment under 37 C.F.R. § 1.111 to Examiner Thanh X. Luu on July 16, 2004.


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